

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WILLIAM DEYESSO,)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 08-11538-LTS
KAIZEN MANAGEMENT, LLC,)	
KAIZEN MEDIA HOLDINGS LLC,)	
KAIZEN VIRTUAL TRAINING, LLC,)	
D. KIM HACKETT, AND KEVIN CONNOR)	
Defendants.)	

**MOTION TO EXTEND TIME TO FILE RESPONSE
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 6(b)**

Plaintiff William Deyesso ("Deyesso") hereby moves, pursuant to Fed. R. Civ. P. 6(b)(1)(A) for the Court to extend the time for Deyesso to file a response to the Combined Motion to Dismiss for Lack of Personal Jurisdiction, and Alternatively, Motion to Transfer Venue ("Combined Motion") filed by Defendant Kevin Connor ("Connor"). The Combined Motion contains significant issues of law and fact and Deyesso needs additional time to respond to Connor's Combined Motion appropriately. In further support of his request for an extension of time to answer the Combined Motion, Deyesso states as follows:

1. On or about July 11, 2008, Deyesso filed his Complaint with the Suffolk Superior Court initiating the instant matter. *See Deyesso v. Kaizen Management LLC, et al.*, No. SUCV2008-03089 (Mass. Super. Ct. 2008).

2. On or about September 9, 2008, after Deyesso had assented to a continuance for Connor to answer the Complaint filed in the Suffolk Superior Court, Connor filed his Notice of Removal with the United States District Court for the District of Massachusetts.

3. On or about September 22, 2008, Connor filed the Combined Motion. Counsel for Deyesso received electronic notice of the Combined Motion at approximately 5:05 p.m. on

September 22, 2008. A true and accurate copy of the electronic mail message containing the Notice of Electronic Filing for the Combined Motion is attached hereto as Exhibit “A.”

4. On or about September 23, 2008, the Court scheduled a Status Conference for October 10, 2008, at 2:15 p.m. before Magistrate Judge Leo T. Sorokin regarding this matter.

5. The Combined Motion contains numerous factual assertions from Connor, which are purportedly supported by an affidavit of Connor’s. Additionally, the ten (10) page motion cites a variety of case law regarding both personal jurisdiction and transfer of venue.

6. To appropriately respond to the Combined Motion, Deyesso must obtain affidavits that will help to demonstrate the requisite contacts needed to establish personal jurisdiction. Additionally, Deyesso needs additional time to appropriately respond to other legal claims made by Connor in the Combined Motion.

7. Further, the Combined Motion seeks, at least in part, to dismiss the instant matter pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(3) and is, therefore, a dispositive motion.

8. The Court has wide discretion under Fed. R. Civ. P. 6(b) to extend time to answer a motion. *See* Fed. R. Civ. P. 6 cmt. 1946 Amendment (“Rule 6(b) is a rule of general application giving wide discretion to the court to enlarge these time limits or revive them after they have expired”). *See also Whitehead v. School Bd. For Hillsborough Co.*, 932 F.Supp. 1396, 1399 (M.D. Fla. 1996) (allowing for additional time to file an opposition to a motion to dismiss due to the Court’s “strong policy of resolving issues on the merits, rather than on procedural technicalities”).

9. In the instant case, Deyesso seeks additional time to properly brief the issues for the Court and present them in a full manner for the Court’s consideration.

WHEREFORE, Plaintiff William Deyesso respectfully requests that the Court grant this Motion to Extend Time to File Response Pursuant to Federal Rule of Civil Procedure 6(b) to respond to Connor's Combined Motion by or before October 20, 2008.

Respectfully submitted,
WILLIAM DEYESSO,
By his attorneys,

/s/ Joshua E. Friedman, Esq.
Joshua E. Friedman, Esquire, BBO No.645256
Bernkopf Goodman LLP
125 Summer Street, Suite 1300
Boston, Massachusetts 02110
Telephone: (617) 790-3000
Facsimile: (617) 790-3300
jefriedman@bg-llp.com

Dated: October 3, 2008
459623 v1/37881/25

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 3, 2008

/s/ Joshua E. Friedman